REMARKS

Claims 1-20 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 1-3, 5-11, 13-17 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Moore et al. (U.S. Publication 2003/0092438) (hereinafter "Moore") in view of Lomet (U.S. Patent 6,578,041), and claims 4, 12 and 18 as being unpatentable over Moore in view of Lomet and further in view of AAPA (Applicant Admitted Prior Art). Applicants respectfully traverse these rejections for at least the following reasons.

In light of the extensive arguments and responses provided in the previous Office Actions, Applicants have provided a concise argument below regarding the cited art and the present claims to illustrate distinctions that have not been appreciated by the Examiner.

Claim 1 requires that a refresh mechanism generates a storage checkpoint of file system data of a production database, and that a database clone be generated whose data comprises data from the storage checkpoint. New data is loaded into the database clone which also updates the storage checkpoint (which is file system data). During loading of new data, the original production database is available for access by users. Essentially, the database clone allows new data to be loaded without taking the production data base offline, and then switching the updated checkpoint (which includes the newly loaded data) to be the file system data for the production database. Thus, the file system data of the original production database is replaced with the file system data of the updated checkpoint. Moore in view of Lomet fails to teach or suggest this _switching_ of the updated storage checkpoint _to be the_ file system data for the production database.

To the contrary, Moore teaches a system with two controllers which both have respective databases. A checkpointing service is used to update the secondary controller's database with changes made to the primary controller's database since the last checkpoint. If a failover occurs, the secondary controller may be used as the primary controller. When this occurs, the original controller is no longer involved (or the first database), and the secondary controller (with the replica database) acts as the primary controller. Thus, the controllers may stay up to date and may act as a highly available controller. Moore nowhere discloses that a storage checkpoint of the file system data of the production database is created, that the storage checkpoint is updated by new data being loaded via a database clone, and that the storage checkpoint is <u>switched</u> to be the file system data for the production database. More specifically, Moore especially does not teach or suggest that <u>the file system data</u> of the original database <u>is switched to</u> the file system data of the replica database. Instead, as described above, the entire controller is switched (which includes a new application and a new database). Thus, Moore is essentially unrelated to the present claim limitations which relate to <u>switching of the file system data</u> for a production database. Nor is Lomet, whether consider alone or in combination with Moore, relevant to this aspect of Applicants' claimed invention.

Note that claim 1 does <u>not</u> recite switching to a new database. Instead, it is the underlying file system data that is switched. The production database is still the same original production database, but with its underlying file system data switched to the updated storage checkpoint. This is clearly distinct from the combined references which, as noted by the Examiner, teach switching to a <u>new</u> database on a <u>different</u> controller in case of a fault or failure.

For at least these reasons, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Independent claims 8, 9 and 15 include limitations similar to claim 1, and so the arguments presented above apply with equal force to these claims, as well.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-12400/RCK.

Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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